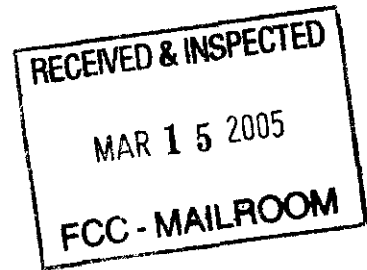


DODARO, CAMBEST & ASSOCIATES, P.C.

ATTORNEYS AT LAW

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DOCKET FILE COPY ORIGINAL

March 11, 2005

VIA FEDERAL EXPRESS - 8480 8807 6525 and
VIA FACSIMILE (202) 418-0232

Darryl Cooper
Federal Communications Commission
445 12th Street SW
Washington, D.C. 20554

Re: Borough of Blawnox/Fiber Technologies Networks, LLC
WC Docket No. 03-37;
Amended Motion to Dismiss Petition for Section 253 Preemption

Dear Mr. Cooper:

Enclosed please find the Borough of Blawnox's Amended Motion to Dismiss Petition for Section 253 Preemption. Please file the same on behalf of the Borough of Blawnox.

Thank you in advance for your cooperation in this matter.

Very truly yours,

DODARO, CAMBEST & ASSOCIATES, P.C.


John F. Cambest

JFC/jg
Enclosure

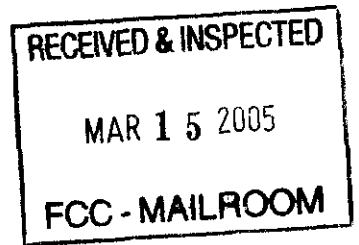
cc: Fiber Tech (w/encl.)

No. of Copies rec'd 1
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J:\clients\B\blawnox\RightofWay Ordinance\Ltr. to FCC encl. our Amended Motion to Dismiss 3-11-05.doc

Borough of Blawnox
March 11, 2005
County of Allegheny, Pennsylvania

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554



| | | |
|------------------------------------|---|---------------------|
| In the Matter of |) | |
| |) | WC Docket No. 03-37 |
| FIBER TECHNOLOGIES NETWORKS, |) | |
| LLC |) | |
| |) | |
| Amended Motion to Dismiss Petition |) | |
| for Section 253 Preemption |) | |

AMENDED MOTION TO DISMISS PETITION FOR SECTION 253
PREEMPTION

Submitted By:

John F. Cambest, Esquire
Dodaro Cambest & Associates, P.C.
1001 Ardmore Boulevard, Suite 100
Pittsburgh, PA 15221-5233
Phone No.(412) 243-1600

Borough of Blawnox
1001 Ardmore Boulevard, Suite 100
Pittsburgh, PA 15221-5233

Dated: March 11, 2005

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

| | | |
|------------------------------------|---|---------------------|
| In the Matter of |) | |
| |) | WC Docket No. 03-37 |
| FIBER TECHNOLOGIES NETWORKS, |) | |
| LLC |) | |
| |) | |
| Amended Motion to Dismiss Petition |) | |
| for Section 253 Preemption |) | |

To: The Commission:

AMENDED MOTION TO DISMISS PETITION FOR SECTION 253
PREEMPTION

The Borough of Blawnox, respectfully submits this Amended Motion to Dismiss the Petition for Preemption Pursuant to Section 253 of the Federal Communications Act filed by the Complainant, and in support thereof states as follows:

1. On or about January 30, 2003, the Complainant filed a Petition for Section 253 Preemption pursuant to Section 253 of the Federal Communications Act of 1934, as amended. 47 U.S.C., Section 253.

2. During the course of the proceedings, counsel for the Complainant and counsel for the Borough of Blawnox have engaged in settlement discussions which resulted in the Borough of Blawnox rescinding the Borough's Ordinance No. 529 (See Exhibit "A" and Exhibit "B" of the Petition) and adopting Ordinance No. 542 and Resolution No. 2004-13, which the Borough of Blawnox believes addresses the issues raised by the Complainant and therefore renders their Petition moot. Copies of

Ordinance No. 542 and Resolution 2004-13 are attached hereto as Exhibits "1" and "2" respectively.

3. As of December 31, 2004, neither the Complainant nor any other individual has filed an appeal from the adoption of Ordinance No. 542 and Resolution No. 2004-13, pursuant to the Borough Code, 53 PS. Section 46010, as amended.

Therefore, the Borough of Blawnox respectfully requests the following relief:

- (a) That the Commission dismiss the Petition filed by the Complainant for preemption pursuant to Section 253 of the Federal Communications Act of 1934, as amended, as moot

Respectfully submitted,

BOROUGH OF BLAWNOX

By John F. Cambest
John F. Cambest, Esquire
PA ID No. 20134

Dodaro Cambest & Associates, P.C.
1001 Ardmore Boulevard, Suite 100
Pittsburgh, PA 15221-5233
Phone No. (412) 243-1600

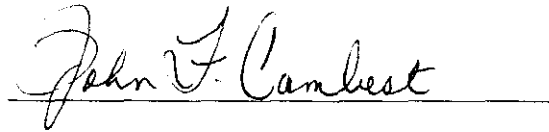
Solicitor - Borough of Blawnox

March 11, 2005

CERTIFICATE OF SERVICE

I hereby certify that on March 11, 2005, I served a copy of the foregoing on the persons listed below by depositing a copy of same in the U.S. Mail, with first class postage paid to

Charles B. Stockdale, V.P. & Corporate Counsel
Robert T. Witthauer, Deputy Corporate Counsel
Fibertech Networks, LLC
140 Allens Creek Road
Rochester, New York 14618

A handwritten signature in cursive script, reading "John F. Canest", is written over a horizontal line.